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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Erik Baechle et al.

Serial No.: 10/509,618

Filed: September 29, 2004

For: ELECTROMAGNETIC LOCKING  
SYSTEM FOR A SAFETY SWITCH

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PATENT

Art Unit: 3676

Examiner:

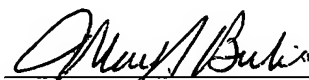
**SUBMISSION OF ENGLISH LANGUAGE  
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the  
above-identified application.

Respectfully submitted,



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Dated: April 29, 2005



**Translation**

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 10me/129030	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/003494	International filing date (day/month/year) 03 April 2003 (03.04.2003)	Priority date (day/month/year) 08 April 2002 (08.04.2002)
International Patent Classification (IPC) or national classification and IPC H03K 17/945, H01H 27/00, F16P 3/08		
Applicant EUCHNER GMBH + CO. KG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 14 October 2003 (14.10.2003)	Date of completion of this report 07 July 2004 (07.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/003494

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-18 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-14 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 23 June 2004 (23.06.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/7-7/7 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/03494**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following documents:

D1: DE 199 53 898 A (SCHMERSAL K A GMBH & CO)  
9 August 2001 (2001-08-09).

Document D1 is considered to be the closest prior art. Said document discloses the features of the preamble of claim 1 (see in particular the additional embodiment in the form of a magnetic locking mechanism in D1, figure 6 or figure 7) as follows:

a locking system in a safety switch, having a read head (2) and an actuator (1) which comprise, respectively, a first and a second subassembly (4, 5) with electrical and/or electronic components that can be brought into interaction with no electrical contact and thereby control the safety switch, the actuator (1) on the read head (2) being lockable by means of a switchable electromagnet (29) that coacts with an opposing element (5) and the locking mechanism being lockable by means of a sensor element (33), the output signal of said sensor element being dependent on the magnetic field that can be generated by the electromagnet (29).

/...

The subject matter of claim 1 differs from D1 by virtue of the characterising part.

The degree of locking strength produced by the magnetic field of the electromagnet can be controlled by means of the sensor element

Effect:

The problem addressed by the invention is that of adjusting the locking force according to, for example, the associated engine, an open-loop or closed-loop control being provided for the electromagnet. The available documents do not disclose these features for solving the above problem.

The subject matter of claim 1 therefore satisfies the requirements of PCT Article 33(2) and (3).

Since claims 2-14 are dependent on claim 1, said claims also satisfy the requirements of PCT Article 33(2) and (3).